

**DETAILED ACTION**

***Remarks***

1. This office action is in response to the Appeal Brief filed on 10/05/2009.
2. 35 U.S.C. § 102(e) rejection to claims 1-24 is withdrawn in view of Appellants' arguments.
3. Claims 1-24 remain pending and now being allowed.

***Allowable Subject Matter***

4. Claims 1-24 are allowed. As Appellants point out in the Brief filed on 10/05/2009, the closest cited prior art of Rao ( US 7,082,549) fails to teach or fairly suggest "an update agent capable of updating the at least one of a firmware component and a software component employing an update process that comprises a plurality of transform passes, wherein each transform pass is associated with its own memory bank order, and wherein each transform pass updates a plurality of memory banks in the associated memory bank order for that transform pass" as recited in claims 1 and 19, or "an update agent capable of updating at least a portion of the at least one of firmware and a plurality of software components, the update agent employing an update process that comprises a plurality of transform passes, wherein each of the plurality of transform passes is associated with its own memory bank order, and wherein each transform pass updates the plurality of memory banks in the associated memory bank order for that transform pass," or "a set of decision maker banks identified within the plurality of

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memory banks, one decision maker bank for each of the plurality of transform passes, the set of decision maker banks used to determine which of the plurality of transform passes was interrupted, in order that the update process may be subsequently reattempted beginning with the interrupted transform pass," as recited in claim 11. In as such manners the independent claims 1, 11 and 19 and each of the dependent claims are allowable for at least the same reasons.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059 and Fax number is (571) 270-02059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192